IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 184 OF 2006

Saifulla Abubakkar Ghojaria & Ors. ...Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Mohan Jayakar instructed by M/s. Khaitan & Jayakar for the Petitioners

Mr. R.M. Sawant, Government Pleader, for Respondents No. 1 and 2

Ms. Shobha Ajitkumar for Respondent No. 3

Mrs. Sowmya Srikrishna instructed by M/s. Crawford Bayley & Co. for Respondent No. 4

Mr. N.P. Sharma for Respondent No. 5

Mr. Y.E. Moomen for Respondent No. 6.

CORAM: KSHITIJ R. VYAS, C.J., &
S.C. DHARMADHIKARI, J.
DATE: MARCH 1, 2006.

P.C.:-

1. The petitioners in this petition have invoked Article 226 of the Constitution of India and have prayed for setting aside the order dated 20th October, 2005 and the communication dated 7th December, 2005.

2. Having gone through the averments in the petition and having heard learned counsel appearing for the parties, no interference is called for in the matter, especially when the order dated 20th October, 2005 is nothing but a proposal to acquire the property in question. The stage under Section 93(5) of the Maharashtra Housing and Area Development Act, 1976 has not reached. The petitioners can raise the contentions raised in the petition before the concerned authority when the stage under Section 93(5) reaches.

3. The learned Government Pleader submitted that the stage of hearing with regard to the objections and suggestions would reach on 9th March, 2006. The petitioners can appear and submit objections / suggestions. In view thereof, in our opinion, no useful purpose will be served by keeping the matter pending, as the petition is at a premature stage.

4. With the above observations, the petition is disposed of.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.